

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 SCOTT MICHAEL WHITT,

5 Plaintiff,

6 v.

7 RICHLAND HOLDINGS, INC., et al.,

8 Defendants.

Case No. 2:17-cv-00014-APG-NJK

**ORDER DENYING MOTION TO  
RECONSIDER AND GRANTING  
LEAVE TO FILE A MOTION TO  
EXTEND TIME TO SERVE**

(ECF No. 51)

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10 Plaintiff Scott Whitt filed an amended complaint on October 13, 2017. ECF No. 29.  
11 Service thus was due by January 11, 2018. Whitt had not filed proof of service as to defendant  
12 Jerome Bowen by January 11, so the clerk of court issued a notice of intent to dismiss for failure  
13 to file proof of service. ECF No. 45. Pursuant to that notice, proof of timely service was due  
14 February 22, 2018. *Id.* Whitt did not file proof of service by February 22, so I dismissed the  
15 action as to defendant Bowen without prejudice. ECF No. 49.

16 Whitt moves for reconsideration of that order. Whitt contends he served Bowen on  
17 February 9, 2018 but failed to file proof of service until after the February 22 deadline. However,  
18 service under Federal Rule of Civil Procedure 4(m) was due by January 11, not February 9. As  
19 the notice of intent to dismiss advised Whitt, “[s]ervice on the party must have taken place prior  
20 to the expiration of the time limit set forth in Fed.R.Civ.P. 4(m), or good cause must be shown as  
21 to why such service was not made in that period.” ECF No. 45. Whitt offers no explanation for  
22 why service was not accomplished by the January 11 deadline. I therefore deny the motion for  
23 reconsideration. However, I grant Whitt leave to file a motion to extend time under Rule 4(m) if  
24 he has a basis to do so.

25 IT IS THEREFORE ORDERED plaintiff Scott Whitt’s motion for reconsideration (ECF  
26 No. 51) is DENIED.

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1 IT IS FURTHER ORDERED that plaintiff Scott Whitt may file a motion to extend time  
2 for service under Federal Rule of Civil Procedure 4(m) if he has a basis to do so. Any such  
3 motion must be filed on or before March 19, 2018.

4 DATED this 7th day of March, 2018.

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7 ANDREW P. GORDON  
8 UNITED STATES DISTRICT JUDGE  
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